

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GAUTAM PATEL, *et al.*,

Plaintiffs,

-v-

BALUCHI'S INDIAN RESTAURANT, *et al.*,

Defendants.

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| USDS SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: _____ |
| DATE FILED: <u>7-26-11</u> |

No. 08 Civ. 9985 (RJS)

ORDER

RICHARD J. SULLIVAN, District Judge:

On May 4, 2011, the Court denied the parties' motion for final approval of their proposed class action settlement. Before the Court is Plaintiffs' "Motion to Dismiss the Rule 23 Class Claims and for Leave to Amend the Complaint." Specifically, Plaintiffs have requested leave to withdraw their Rule 23 class claims and assert individual claims for wage and hour violations under the New York Labor Laws and, presumably, the Fair Labor Standards Act, upon which federal subject-matter jurisdiction is premised. Counsel for Plaintiffs has further requested permission to contact the eighteen Rule 23 claimants in order to provide them the opportunity to join this action by asserting individual claims. Defendants have not opposed Plaintiffs' motion. Accordingly, Plaintiffs' motion is granted. Plaintiffs may file an amended complaint by September 26, 2011. The Clerk of Court is respectfully directed to terminate the motion located at Doc. No. 116.

SO ORDERED.

Dated: July 26, 2011
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE